



***Aboriginal news from across Turtle Island and beyond  
May 27-31, 2013***

## **Mount Newton, known as Lau, Welnew to First Nations, next on name-change list**

[Times Colonist](#)

May 26, 2013

Judith Lavoie



*About 600 First Nations people and their supporters marched to the top of Mount Doug for a renaming ceremony on Wednesday. They want the Saanich mountain to be known by its original name, Pkols. Photograph by: BRUCE STOTESBURY, Times Colonist*

About 600 First Nations people and their supporters marched to the top of Mount Doug for a renaming ceremony on Wednesday. They want the Saanich mountain to be known by its original name, Pkols. Photograph by: BRUCE STOTESBURY, Times Colonist

Mount Newton is next on the list of Greater Victoria landmarks that First Nations want to see restored to their traditional names.

The Saanich, or Wsanec, tribes know the mountain as Lau, Welnew, which means place of refuge in the Sencoten language.

"There's big support for that one in the Saanich Nation because we have always held that mountain sacred," said Tsawout hereditary chief Eric Pelkey, who spearheaded last week's march up Mount Douglas to erect a sign bearing the traditional name Pkols.

The Mount Newton campaign is likely to start this fall, Pelkey said.

Saanich elders have passed down the story of a great flood, believed to have taken place about 10,000 years ago, he said.

"The people that emerged from it did it by tying themselves to an arbutus tree on the top [of Mount Newton] with cedar ropes and their canoes and that's how they survived the flood," Pelkey said.

"When they came down they were called the emerging people and that's where the name Wsanec came from."

Grant Keddie, Royal B.C. Museum curator of archeology, said Lau, Welnew is well-documented as referring to Mount Newton and refers to the place of escape from the flood.

"There is some geological evidence that about 10,000 years ago there was a massive flood, which came down the Fraser River, probably as a result of an ice blockage, and that went across the Strait [of Georgia] and into Saanich Inlet," Keddie said.

Legends also talk about Mount Newton as home of the thunderbird.

"So it is really quite a significant place," he said.

"I am very much in favour of seeing the First Nations footprint on the landscape in important places like this."

Different families used different names for features, which is why some Lekwungen (Songhees) people refer to Mount Tolmie as Pkols, which means white head or white rock, Keddie said.

There are also references to Mount Douglas as Chu-utchin — heavenly mountain — and Pepkiyos, the name given to snowberry plants.

A further complication is that many of the names were not documented until most of the fluent Sencoten speakers had died, Keddie said.

For now, Pelkey and supporters of the Mount Douglas name change are concentrating on compiling the documentation needed to support their application to the province for restoration of the name Pkols.

Talks are also planned with Parks Canada about Sidney Spit, where the remains of a longhouse and graves have been found, Pelkey said.

"I think Parks Canada would appreciate having a history of the area," he said.

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## **Métis culture festival celebrates past and present**

[Fort McMurray Today](#)

May 26, 2013 6:09:58 MDT PM

Vincent McDermott



*Children examine Métis sashes at Fort McMurray's Métis Fest, held at Local 1935's office in Gregoire. VINCENT MCDERMOTT/TODAY STAFF*

The Fort McMurray Métis Local 1935 held its fourth annual Métis Festival on Friday, inviting the community to enjoy entertainment and culture from the people who founded Fort McMurray.

Held outside the Local 1935's Gregoire office, the

day brought over 500 participants from across the region. Prayers and anthems kicked off the opening ceremonies, followed by jigging, fiddling and singing. Games and servings of fried fish and bannock were served throughout the day.

"What I've really enjoyed about the event this year is seeing the bus loads of children and the non-Métis people who came to visit," said Clem Chartier, president of the Métis National Council. Chartier, originally from Buffalo Narrows, Sask., was invited by the local to give speeches about Métis culture.

"It's good for them to see Métis people and experience even a little bit of culture and mingle a bit with us."

Fort McMurray's ties to the Métis go back to the community's founding. While the nomadic Cree had typically dominated what would become the Wood Buffalo region,

it was the Métis explorer Peter Pond — originally from the United States — who first began exploring the areas surrounding the Athabasca River in the early 1780s. Pond would eventually establish the fur trading post of Fort Chipewyan, which continues to be the oldest permanent settlement in Alberta.

“The Métis have had a historic and large impact on this region,” said Bill Loutit, president of Local 1935. “Our mission is to promote that heritage and culture.”

Today, the fur trade has been replaced by the world’s growing thirst for oil and Chartrand says the region has grown in ways Pond never could have imagined. Approximately 5,000 Métis live on Alberta’s eight Métis settlements, which are mostly located in east-central and northern Alberta.

“While the Métis are no longer the dominant population of the original Métis settlements, we continue to be a part of the community,” he says. “I can’t pretend to know what the future will look like, but eventually, we’d like to see government and industry realize there is an indigenous population in addition to the First Nations.”

## **Unjust justice: Still no aboriginal court made available in Manitoba**

[Winnipeg Free Press](#)

May 27, 2013

Manitoba, the province with the largest proportion of aboriginal people, has no Gladue court. Toronto, not exactly a city with a vibrant aboriginal population, has four Gladue courts, including one for young offenders. Sarnia has one, as does London, and a bunch more are in development elsewhere in Ontario. There are also several aboriginal courts in British Columbia.

And critics say Manitoba is among the worst at implementing Gladue principles meant to combat the glut of aboriginal people in jails and prisons. That’s despite the fact more than 70 per cent of all inmates in provincial jails are First Nations or Métis.

## **Aboriginal youth deserve co-ordinated plan**



[Vancouver Sun](#)

May 27, 2013

*Passport of convenience or opportunity?  
About 350,000 Canadian citizens live in  
Hong Kong. Photograph by: Mike Clarke,  
AFP, Getty Images Files, Vancouver Sun*

Every day, we see the tremendous difference caring adults can make in the lives of young people. As leaders of five of Canada's largest youth-serving organizations, we are consistently heartened by the support we receive from millions of Canadians who share our belief that every young person deserves an equal chance to fulfil his or her potential.

Today, there is a group of children and youth in our society who do not have equal access to the ingredients of healthy development. Aboriginal youth, on average, fall well short of the health and education outcomes of their non-aboriginal age peers.

The reasons for these disparities are complex. But two things are certain. Today's aboriginal children and youth did not create the challenges that confront their communities; and, as a society, we can come together to help them succeed.

The imperative to act is both moral and economic.

The Centre for the Study of Living Standards estimates that closing education and labour market gaps between aboriginal people and the Canadian average by 2026 would add \$401 billion to Canada's cumulative gross domestic product.

And the cost of letting aboriginal young people down is not only economic. Denying hopeful, talented children and youth the chance to become the people they dream of being - and are capable of being - is a moral wrong we believe the people of Canada will not tolerate.

Conversations about the challenges facing many aboriginal communities are not easy. Some people, frustrated by seemingly intractable problems and the sometimes rancorous tone of the debate, are tempted to tune out.

We call on the people of Canada, including political leaders at all levels, to refuse to disengage. We call on all segments of society - governments and institutions; First Nation, Métis, and Inuit organizations; and all citizens - to continue seeking ways forward with courage and persistence. This is not a time to harden our hearts; it is a time to renew our commitment.

There are many reasons for hope. We know that investments in young people's health and education yield vast returns down the road, and we know that many groups - school boards, aboriginal organizations, and others - are making wise, meaningful investments today.



Our own organizations are embarking on new projects and partnerships, working alongside aboriginal people and organizations to build a new future for and with aboriginal children and youth.

We refuse to let the wrongs of the past and the frustrations of the present prevent us from working together for a shared future of which we can all be proud. Join us.

SCOTT HALDANE CEO, YMCA Canada

DAVID HUGHES President & CEO, Pathways to Education Canada

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## **Aboriginal Affairs, Justice Canada gathered personal information on First Nations child advocate: privacy watchdog**

[APTN News](#)

May 28, 2013

Jorge Barrera



The federal Aboriginal Affairs department and Justice Canada gathered personal information about a First Nations children's advocate who launched a human rights complaint against Ottawa, the privacy watchdog has found.

The Office of the Privacy Commissioner found that officials in both departments began collecting personal information about Cindy Blackstock, the executive director of the First Nations Child and Family Caring Society, in February 2010.

“(The two departments) have repeatedly accessed, viewed, read, copied and recorded personal information from (Blackstock's) personal Facebook page,” said the report.

The report said the gathered information was “unrelated to to their ordinary operating activities.”

Blackstock filed her complaint last March after discovering, through an Access to Information request, that federal officials had accessed her personal Facebook page. Aboriginal Affairs also launched its own internal probe, but found its officials had not breached her privacy.

The privacy investigation found that officials took “multiple screen shots” of Blackstock’s Facebook page along with excerpts. There was no evidence, however, that any federal officials tried to “friend” Blackstock to obtain information.

In its report, the privacy watchdog told both departments to destroy any personal information “to the extent permitted by law” about Blackstock and any other individual officials gathered in the course of their snooping.

It also recommended that the departments “cease and desist from accessing and viewing personal information posted to (Blackstock’s) personal Facebook page.”

The report also recommended the departments create internal policies and guidelines governing the collection of personal information on social media sites by federal officials.

The report said both departments “have accepted our recommendations in full.”

Blackstock said she hoped the federal government would follow through with the recommendations.

“It is both a relief and also shock,” said Blackstock. “In some ways you are a naive person in this country, you kind of hope that what you are seeing isn’t true and it clearly is true.”

Blackstock, along with the Assembly of First Nations, launched a human rights complaint against Ottawa over alleged underfunding of child welfare services on First Nations reserve. The human rights complaint was amended to include allegations that the federal government retaliated against Blackstock over the complaint by spying on her activities.

The complaint is currently before the Human Rights Tribunal. It recently emerged that Aboriginal Affairs failed to disclose 50,000 documents related to the case during the discovery process.

The federal watchdog also investigated two other complaints leveled by Blackstock, but found no other privacy breaches.

Blackstock alleged that Aboriginal Affairs and Justice Canada officials were also monitoring her speaking engagements and sharing detailed reports within the departments.

The watchdog found that the departments “were collecting and sharing that information in direct relation to the operating programs or activities of (Aboriginal Affairs) and in relations to ongoing litigation.”

Blackstock also alleged that Aboriginal Affairs officials accessed her Indian status registry which contains information about her family.

The report said that investigators with the Office of the Privacy Commissioner could find no evidence Aboriginal Affairs officials accessed her Indian status file because the department keeps no record of people who access the registry. Both departments also denied accessing the file in relation to the ongoing litigation before the Human Rights Tribunal.

Blackstock discovered that her Indian status registry had been accessed on Nov. 4, 2010 and Nov. 17, 2011.

"In the absence of an audit trail or log documenting instances of access to the complainant's (status record) it was impossible to determine whether or not that record had been used or accessed inappropriately," said the report. "Nor did we find evidence to support the allegation that the complainant's records were being used as part of a larger effort to uncover ulterior motives that the Caring Society is deemed to have had when it filed a human rights complaint against the government of Canada."

The report recommended that Aboriginal Affairs create audit logs to track when officials access the Indian status registry.

The department accepted the recommendation.

## **Canada's Supreme Court Requires Aboriginal Groups To Follow Statutory Process**

[Osler, Hoskin & Harcourt LLP](#)

May 28 2013

Maureen Killoran, Thomas D. Gelbman and Elizabeth Coyle

On May 9, 2013, the Supreme Court of Canada released its decision in *Behn v. Moulton Contracting Ltd.*, [2013 SCC 26](#), affirming that Aboriginal groups seeking to challenge the validity of permits or authorizations granted to resource developers must follow the legislatively mandated process to do so. An Aboriginal group that chooses to forgo legal remedies will not be permitted to (a) employ "self-help" remedies to challenge the permitted undertaking; or (b) defend against the enforcement of those permits in civil proceedings by challenging the validity of validly issued authorizations. The Supreme Court concluded that allowing these actions would bring the administration of justice into disrepute and amount to a repudiation of the duty of mutual good faith underlying the Crown's constitutional duty to consult First Nations.



The decision in *Moulton Contracting* is significant to proponents of industrial projects that trigger environmental assessments and Aboriginal consultation obligations. It provides strong authority that Aboriginal groups and other parties must advance their grievances in the appropriate legal forum. When permits are issued and not formally challenged through a legislatively mandated process, proponents that take steps to act on those permits will be afforded a high degree of protection against self-help remedies, such as blockades, or collateral attacks on the validity of validly issued permits.

### **Factual Background**

The Appellants, the Behn family, are, with one exception, members of the Fort Nelson First Nation (FNFN). FNFN is an Indian Band as defined by the *Indian Act*<sup>1</sup> and a signatory to Treaty 8, a treaty within the meaning of section 35 of the

*Constitution Act, 1982*.

The British Columbia Ministry of Forests (the Ministry) granted Moulton Contracting Ltd., a logging company, two timber sale licences and one road permit (the Authorizations) to harvest timber on parcels of land within FNFN's territory.

The Authorizations were issued under amendments made by the Ministry to the Small Business Forest Enterprise Program Forest Development Plan for the Fort Nelson Timber Supply Area (the FDP). Prior to making the Authorizations, the Ministry afforded FNFN a number of opportunities to consult on the proposed amendments, including two archaeological impact assessments for potentially affected lands.

Having received the Authorizations, Moulton moved equipment to the harvesting site and committed to deliver timber from that site.

The Behns alleged that they have traditionally hunted and trapped on those lands. They set up a camp on an access road, preventing Moulton from accessing the land designated for harvest.

In response, Moulton brought a claim in the British Columbia Supreme Court against the Behns, among other parties, seeking damages for interference with contractual relations. In their defence, the Behns pleaded that the Authorizations were void because they had been issued in breach of the Crown's duty to consult and violated their Aboriginal and treaty rights. Moulton brought a motion to strike these defences.

### **Decision**

In striking these defences, the Court considered whether (a) the Behns, as individual members of FNFN, had standing to assert FNFN's collective Aboriginal rights; and (b) it was an abuse of process to plead that the Authorizations were void due to an alleged failure to consult.

### *Standing*

The Court affirmed the existing jurisprudence that the Crown's duty to consult is owed to the Aboriginal group that holds section 35 rights and can only be asserted by individuals when they have been authorized by the group to do so. Since no such authorization was issued by FNFN, the Behns had no standing to assert a breach of the duty to consult.

The Court adopted a different position with Aboriginal or treaty rights. Rejecting the Crown's submission that claims in relation to treaty rights must be brought by, or on behalf of, the Aboriginal community, the Court held that, in appropriate circumstances, individuals can assert certain Aboriginal or treaty rights, and left for another day the framework for exercising such rights.

### *Abuse of Process*

The Court focused on the Behns' failure to challenge the validity of the Authorizations in the appropriate forum. Neither the Behns nor FNFN applied for judicial review, injunctive relief or any other form of judicial relief in respect of the Authorizations. Had they done so, the Ministry could have suspended the licences until the dispute was resolved. Such authority was expressly provided for in the Authorizations.

The Behns' decision to forgo legal challenges to the Authorizations and instead engage in self-help remedies against Moulton was manifestly unfair; in the Court's words, having relied on the Authorizations, the Behns' conduct "put Moulton in the position of having either to go to court or to forgo harvesting timber pursuant to the Authorizations it had received after having incurred substantial costs to start its operations." Allowing the Behns to impugn the Authorizations as a defence in civil proceedings against them constituted an abuse of process that would have brought the administration of justice into dispute.

Significantly, the Court also concluded that to permit such a collateral attack would amount to a repudiation of the duty of mutual good faith underlying the Crown's constitutional duty to consult First Nations.

### **Footnotes**

1. R.S.C. 1985, c. I-5

### **Aboriginal court is past due**

[Winnipeg Free Press](#)

May 28, 2013



(DALE CUMMINGS / WINNIPEG FREE PRESS)

The concept of an aboriginal justice system to cut native involvement in crime by targeting the issues that land First Nations people disproportionately in jail is valid and past due in the province that spawned the Aboriginal Justice Inquiry. Yet, Manitoba is some distance from a solid, workable model for an aboriginal court.

Court actors, including judges, say Manitoba is failing in its basic obligations to native people, including the production of quality pre-sentence reports that describe the background of aboriginal offenders. All offenders can submit such reports, but they are mandatory for native people to comply with a Supreme Court decision that recognized their unique history and the lingering damage of colonial policies that

contribute to higher rates of social and economic malaise and, consequentially, higher crime rates.

The Justice Department says it is working on improving report preparation, but it will also have to boost post-sentencing programs, where offenders can address their addictions, mental-health issues and cultural dysfunctions, which is key to staying out of crime.

There is reason to proceed with caution: Manitoba's native child-welfare system, launched in 2005, was inadequately prepared to deal with demand from families and the duty to protect children. Aboriginal courts in other jurisdictions experienced growing pains along with successes: Saskatchewan's Cree court improved the legitimacy of judges in the community and cut backlogs but had difficulty retaining court staff trained in the language, which has slowed down the administration of justice.

Some will oppose a separate justice system, but the best option is the one that works. The adversarial court tradition that emphasizes punishment has filled Manitoba's jails with multi-generations of native people. A system that seeks to resolve conflict by recognizing responsibility to a victim and a community might lay bare the useful limits of denunciation and deterrence. That would be instructive to the pursuit of justice generally.

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## 1,000-year-old First Nations clam gardens unearthed near Sidney

[Times Colonist](#)

May 27, 2013



*University of Victoria students look for shells as they work on excavating an ancient clam garden on Russell Island. Photograph by: PARKS CANADA*

The excavation of what appears to be an ancient food storage system along the beach of Russell Island, between Fulford Harbour and Swartz Bay, is helping to cast more light on the history and development of local aboriginal groups.

Six years after researchers discovered two clam gardens along the beachfront, University of Victoria students are sifting through sand, gravel and shells to figure out how and when the gardens were built. Some researchers have suggested the gardens helped augment a community's food supply.

The gardens are beach areas where clams grow naturally and have been enhanced to increase clam production.

"From some groups of elders we've talked to, they say these clam gardens basically acted as food banks," said Nathan Cardinal, the cultural resource management adviser for the Gulf Island National Park Reserve. "If they couldn't get enough food to get through the winter, they could come here and grab shellfish."

For the past three years, anthropology students have pitched their tents and spent May and part of June studying historical aboriginal sites around Vancouver Island. The clam gardens they are studying are small fields built on the beach at low tide with surrounding rock walls. The walls acted as a barrier to keep out seaweed and prevent predators from destroying the growing clams and other shellfish.

Like vegetable gardeners, those who tended the clam beds would till the sand, turning it over to provide the clams more oxygen.

"It shows that people didn't passively react to their environment but rather created their own landscape," said instructor Eric McLay.

McLay estimates the gardens on Russell Island are at least 1,000 years old. The island was once home to an aboriginal community and the clams may have been used for trade.

Clam gardens are a relatively new discovery for archeologists. The first one was found in the Broughton Archipelago in 1995. Since then, gardens have been discovered along coastlines from B.C. to Alaska.

For the UVic students, this week marks the one time each year that there's a three-day window when the tides will be lowest, helping them get a clearer picture of the gardens.

Aboriginal representatives have joined the students to help teach about the role the gardens played in their culture.

Phillip Joe, a member of the Cowichan Tribe, said he remembers his grandparents telling him stories about the gardens. "The clam gardens are only a little bit of our culture, and there's a lot more to be explained," he said.

## **Moving oil and gas: Companies consult First Nations, but information overload a problem**

[Vancouver Sun](#)

May 28, 2013

Shawn Conner



*Tsleil-Waututh and Squamish First Nations members paddle to protest the Kinder Morgan proposal that would bring in more oil tankers in Vancouver. Photograph by: Les Bazso, PNG*

A lot has changed since Canada's first oil pipeline was built in Ontario 150 years ago. Then, likely no one even thought of native rights.

Today, companies such as Enbridge and Kinder Morgan routinely consult communities that stand to be affected by megaprojects.

Enbridge's \$6 billion 1,170-kilometre Northern Gateway dual pipeline, running from Bruderheim, near Edmonton, to Kitimat, would affect 45 First Nations. Kinder Morgan has reached out to 111 First Nations who could be affected by its plan to twin the TransMountain pipeline from Edmonton to Burnaby.

Government bears the legal responsibility for consulting with First Nations on projects. But it's a task the energy companies in Canada take on.

"Our role is to make sure people fully understand the project and its potential impact, then to answer questions and respond to any concerns," John Carruthers, president of Calgary-based Enbridge, said. "Many times the pipeline has actually changed its routing to address concerns."

Enbridge and Kinder Morgan have policies that set out principles for involving and consulting First Nations. Northern Gateway's policy talks of building "mutually beneficial relations ... through consultation and engagement"; Kinder Morgan's talks of engaging "in forthright and meaningful consultation with Aboriginal communities."

In the initial phases of projects, both companies offer capacity agreements and aboriginal traditional land-use studies to First Nations. Capacity agreements establish protocols for working with the First Nation, and also provide funds for the communities to make their own assessment of the project. For the aboriginal traditional-use studies, the companies make experts available or provide funds for proprietary reports on land use. The process of pipeline approval begins with oral evidence, mostly from aboriginal communities, given to a joint review panel of the National Energy Board and Canadian Environmental Assessment Agency. A formal hearing process follows; the one for Northern Gateway began in September 2012 and wrapped up at the end of April.

Not all First Nations take part.

The Nadleh Whut'en Nation is in the path of Northern Gateway, but Chief Martin Louie hasn't been attending hearings. He said he doesn't want the hearings to stand for consulting his people.

"The way it's set up, if you participate, you've been consulted with," Louie said. "If the majority of people approve, then we're put in the same category." Louie says he is inundated with information on the pipeline.

"I must get about 50, 60 emails a day from different organizations and companies," Louie said. "And double the amount in letters and books, talking about how they're



going to proceed. I don't think any First Nation has the capacity to address all these things at once."

Carruthers said attendance at the hearings does not signal agreement with the project. "There would be no indication if you showed up that you were in support." "It's a long process," Carruthers added. "We would have filed something in the order of 30,000 pages of information. Because it's so thorough, it could be a daunting task to participate regularly. But that's why the NEB and CEAA look at that in light of representing all Canadians. But for any one individual to absorb all that would have been difficult."

Even with funding, First Nations struggle to do the same level of assessment as energy companies.

"I think Northern Gateway called over 20 people as witnesses on the science issues and issues related to oil spills, either technical advisers or sworn witnesses," Rosanne Kyle, lawyer for the Gitxaala Nation, said of the recent review hearings.

The pipeline isn't in their territory, but they stand to feel the effect of the pipeline on their ocean-dependent way of life because of tanker traffic.

"Of course, Gitxaala doesn't have the resources to hire 20 scientists to help them express their concerns."

And native communities have complained recently about lack of consultation before pipeline surveyors and related researchers come onto their lands.

Gary Youngman is the lead for aboriginal engagement for Kinder Morgan's

TransMountain pipeline expansion.

Youngman, who has worked on public consultation for construction of the Millennium and Canada Line transit lines in Metro Vancouver and on the aboriginal participation strategy for the 2010 Olympics, says his Kinder Morgan job was specifically set up for this project, although Kinder Morgan has had an aboriginal relations manager for several years.

The company wants to twin and expand the capacity of its line from 300,000 barrels per day to 890,000 barrels per day. Kinder Morgan intends to submit its formal proposal to the National Energy Board near the end of the year.

"What we wanted to do is start out early, 18 months before that application," Youngman said. "We have done that. We started back in May (2012) and sent out letters to a number of different groups. We're talking to these groups along the line, sharing information about the project and finding out what concerns they have."

Along with capacity agreements or funding and aboriginal traditional use studies, Kinder Morgan sponsors what Youngman calls “ecological knowledge studies.”

“We walk the line with our environmental consultants and they bring along members of the community, elders and so on, have a good knowledge of their land to identify issues of concern.” There is no case law or government guidelines requiring them to do this, Youngman said.

“The reality of the situation is you have to be prepared to support First Nations’ engagement. And we’re prepared to do that.”

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## St. Frances students embracing Cree

[StarPhoenix](#)

May 28, 2013

Janet French



*Students Lose Pilimilose (L) and Ocean Fox (2L), with their classmates and Cree teacher Priscilla St. John, performed an Elvis song at the second annual St. Frances Cree Language Festival on the school's front lawn, May 28, 2013. Photograph by: Gord Waldner, The StarPhoenix*

Familiarizing yourself with the syllables that make up the language is one way to learn Cree. Or, you could dress up in poodle skirts and Elvis sideburns and belt out the lyrics to “All Shook

Up” translated into one of Canada’s oldest languages, like Priscilla St. John’s Grade 1 class did.

“It’s very rewarding to hear these kids speak Cree,” St. John said before her pupils took the stage Tuesday at St. Frances school’s Cree language festival.

Nearly six years ago, the Nehiyawetan Cree bilingual program began at St. Frances with one teacher and 12 kindergartners. It now dominates the school, with nine teachers instructing 181 students from kindergarten to Grade 5 in both Cree and English.

Principal Jenise Vangool expects that number to grow to about 241 in September, when an anticipated 60 more tots enrol in Cree kindergarten.

Six years ago, demographic data showed the number of young families in the Queen Elizabeth and Exhibition areas was declining significantly, as was the school's enrolment, Vangool said.

The school needed a program to draw more students, and superintendent Gordon Martell was looking for a place to begin a Cree program.

"They've lost a lot in history. They've lost their language. He felt it was the honourable and good thing to give back the opportunity for them to learn their language," Vangool said.

With busing available from across the city, word spread of St. Frances' program, leading to more children enrolling each year. The program expands up a grade each year as that first Cree class makes its way to the eighth grade.

St. John, who is from the Makwa Sahgaiehcan First Nation, has been teaching Cree at St. Frances for five years.

"At the beginning, when I first taught the Cree bilingual (program), I thought it was impossible," she said, referring to foisting lengthy words on children who were only just learning to read and write.

"The kids proved me wrong."

Students start out learning Cree syllables, colours, shapes, the Cree calendar, and counting, she says. Her former students, now in Grade 5, can have a conversation with her in Cree on the playground at recess.

"They're amazing learners," St. John said.

Seven-year-old Ocean Fox and her pal Lose Pilimilose, also 7, said they like coming to school and learning words and songs in Cree.

Giggling and whispering, they proudly explain they can count to 100 in Cree. Fox's favourite Cree word is sikiyasiw, which means "happy."

Also happy are parents and grandparents who hear the children come home speaking an endangered language.

Heather Littlepine and her family moved to Saskatoon two years ago from the One Arrow First Nation. She enrolled two of her daughters at St. Frances because of the

large number of First Nations students and the opportunity for nine-year-old Mikayla to learn Cree. Now, Mikayla knows more Cree than her mother.

"It's our culture, and I want her to continue," Littlepine said.

Confidence is also a noticeable benefit, Vangool says.

"They don't feel any pressure to become or act differently than who they are. They are proud that they are First Nations, and they celebrate it. Once they feel good about who they are, then the learning can really take place," she says.

The St. Frances students showed off their skills Tuesday at the school's second annual Cree language festival, which included singing and dancing in colourful costumes in front of students, staff and parents gathered on the school's front lawn. Saskatoon Public Schools also has a Cree bilingual program at Confederation Park school. There are 142 students from pre-Kindergarten to Grade 5 enrolled in the Nehiyawiwin program, which first started in 2005.

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## **First Nations traditions used in collective bargaining**

[Cape Breton Post](#)

May 29, 2013

CHAPEL ISLAND — First Nations tradition and customs are now being used in the collective bargaining process.

United Food and Commercial Workers Canada Local 864 members in Chapel Island recently celebrated the unanimous ratification of a collective agreement that not only improves working standards but it also introduces a new approach to conflict resolution based on First Nations traditions and customs. Local 864 members, who are citizens of the Potlotek First Nation, will have the option of resolving contract disputes and issues through a process called the Kisikuewey Wantaqo'suti Procedure, which calls upon the wisdom and mediation abilities of Band Elders.

The Local 864 Potlotek members, who work in the fisheries industry as deckhands, gained improvement to the pay structure, vacation pay, production bonuses, a clothing allowance, and mandatory pension contributions over the life of their new three-year contract.

"UFCW Canada congratulates the Potlotek members in ratifying their first contract, and we join them and their Local Union in celebrating this important and innovative approach to collective bargaining," says UFCW Canada National President Wayne Hanley.

## A fight for identity: Anderson was forced to prove her native heritage

[Prince George Citizen](#)

May 28, 2013

Ted Clarke



*Helen Anderson, who will be celebrating her 90th birthday next week, stands outside her Prince George home. Brent Braaten, Photographer*

Helen Anderson never doubted her own status as a First Nations woman. It was in her blood as much as it was in her mirrored reflection.

But she had a heck of a time convincing the Canadian government.

The federal authorities created the problem in the first place when it became entrenched in the Indian Act that any aboriginal women who married a white man would lose her status. The Act was changed to address that injustice on April 17, 1985, and that set Anderson on the long path to regain her identity.

At the time, all she had to document her birth was a church certificate from the Catholic diocese in McLennan, Alta., where the bishop who baptized her in Hudson's Hope had filed the record shortly after her birth in 1923.

"You had to prove your history and I went to the office and they asked me to fill out a form and I had no records and no way to get it," said Anderson.

For four years, every two weeks, Anderson visited the federal government office in downtown Prince George to find out if there was any new information to help speed the process of her application. To find out the names of her grandparents, she traveled with her sister to Moberly Lake, where they found an elder, Charlie Crying Man, who swore an affidavit in the Prince George Indian Affairs office that he knew them. But still the process stalled.

In 1995, on the advice of Ed John, a Prince George lawyer who lived close by, Anderson went to a Sunday breakfast meeting at the Coast Inn of the North attended by Prime Minister Kim Campbell and Tom Siddon, the Minister of Indian Affairs and Northern Development. Anderson met Siddon during a break and told him of her frustration trying to regain her aboriginal status.

"They wanted information from three more elders, and I was 72 at the time, and I said to Mr. Siddon, 'I consider myself an elder. What am I supposed to do, dig them up?'"

She handed Siddon her papers and six weeks after that meeting, Anderson received a letter from Ottawa confirming her status as a member of the West Moberly First Nations. Her persistence allowed her half-siblings and her three children to also gain their status cards.

As a direct result of her actions, her nephew, Roland Willson, is now chief of the West Moberly First Nation, while another nephew, Clarence Willson, is a band councillor.

Last Sunday, surrounded by friends and her large extended family at the Elder Citizens Recreation Association hall, Anderson celebrated her 90th birthday. She suffers from back pains, has arthritis in her hands and her hearing isn't what it used to be, but Anderson is well able to take care of herself and her mind remains sharp. Recent cancer surgery has given her a clean bill of health.

Anderson was born in Hudson's Hope and came to Prince George in 1942 at age 19 to begin a new life living in a city for the first time. The following year she started working as the live-in housekeeper for Dr. John McArthur and his wife Edith, who lived in a big house on Connaught Drive. For two years she lived there on a salary of \$30 per month, \$10 more than the going rate at the time.

Anderson remembers walking downtown over dirt roads and boardwalk sidewalks to one of two city theatres, along with a four-legged escort, Dopey, the family's German shepherd, who would wait for her in the doorway of the doctor's office. She worked for the McArthurs for two years, then found work at a clothes cleaners. When that business amalgamated with another cleaning shop, Anderson lost her job. Unable to find work elsewhere, in the late 1940s she set up her own alteration business, Helen's Sewing Shop.

Believed to be the first aboriginal woman ever to establish a business in downtown Prince George, she operated the store for two years but found the work too much for one person.

"I couldn't hire anybody and push them like I pushed myself," she said. "I put in long hours and when Woodward's [department store] came in, I thought to heck with it. I applied there and that's where I ended up."

Having learned how to knit socks at age six she was hired as a seamstress at Woodward's, where her reputation for being able to handle any kind of clothing repair spread through the city.



"I went in on a trial basis and came out 23 years later, so I got to know a lot of people," she said.

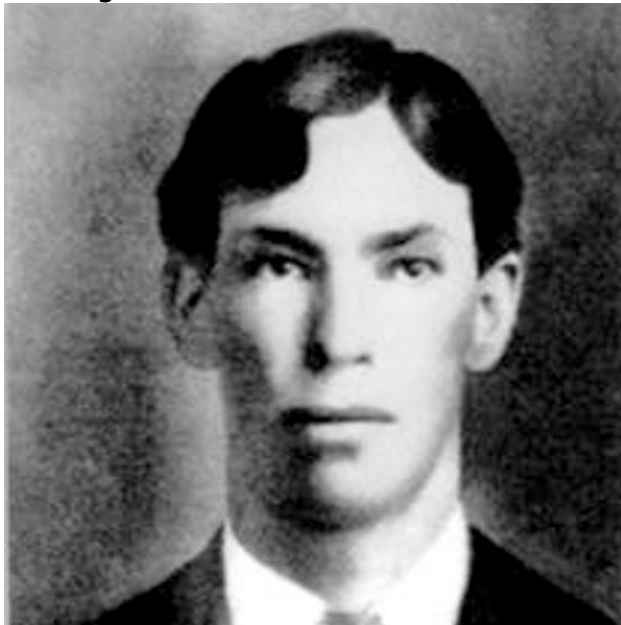
Anderson still lives in the small bungalow on Elm Street where she raised her children. It's right on the bus route and the drivers know her well enough to let her off right in front of her house. Her door is always open for her kids, her five grandchildren and her seven great-grandchildren when they drop by to visit her or to go to nearby Fort George Park.

## **Historian pushes for Nanaimo's 'forgotten' First Nations soccer star to be included in sports hall of fame**

[Nanaimo Daily News](#)

May 28, 2013

Ben Ingram



*A photograph of Harry Manson of the Snuneymuxw First Nation, a star player in the Nanaimo region at the turn of the 20th century. Photograph by: Nanaimo Daily News*

The date is April 2, 1898 and something odd has happened at the Caledonia grounds in Victoria.

The B.C. Intermediate Football Association's Nanaimo Thistles are competing for a provincial championship in the finals against Victoria YMCA, but sickness has claimed two of their right-wingers.

In a bid to save their shot at the Challenge Cup title, Nanaimo turns to

two players from Snuneymuxw First Nation: James Wilks and Harry Manson.

The two become the first indigenous players to take part in a provincial championship match - playing alongside the whites.

Manson hits the field and finds himself in a back-and-forth match with YMCA. Suddenly, he gains control of the ball and in perfect form, sends it flying into the net with a clean kick to open the scoring, a clear indication as to why the Thistles' management has become so enamoured with the young star.

While Nanaimo storms out to a 2-0 lead, bolstered by the play of Manson, the team ultimately falls by a score of 4-3. They later lose the third match of the final series and see the Challenge Cup go to Victoria.

Nevertheless, a star is born.

During the years 1897-1904, Manson captained the Nanaimo Indian Wanderers to numerous victories, including a Nanaimo City Championship in 1904.

The year before, Manson had been selected from the Wanderers to play on a Nanaimo all-star team, and helped to lift the squad to a provincial championship. Amid a climate of racial intolerance when public humiliation of indigenous people was not only commonplace, but socially acceptable, Manson broke barriers as a First Nations soccer star.

Manson's accomplishments have impelled Vancouver-based soccer historian Robert Janning, 57, to lead a push to have the forgotten star inducted into not only the Nanaimo Sports Hall of Fame, but major sporting shrines across Canada.

"My hope is that somehow, if I can get Harry inducted into one of these sports hall of fames, something positive will ripple out of that and give the First Nations community a sense of pride and celebration," said Janning. "That when school classes get invited to the B.C. Sports Hall of Fame, they can make a connection: 'there's an indigenous athlete there.'"

Janning's re-discovery of Manson occurred while he worked on *Westcoast Reign: The British Columbia Soccer Championships 1892-1905*, an exhaustive history of footy's roots in this province that took roughly six years to compile. A curiosity about B.C. soccer's origins had led Janning to the public library, only to find nothing on the topic.

"I quickly realized that if I wanted answers to the questions I had, that it was up to me to launch an investigation," he said.

Janning began an intensive exploration of archived materials, old newspaper clippings and microfilms. He poured through university libraries and materials at the legislature in Victoria.

Throughout the endeavour, another curiosity began to develop at the sight of the Manson name, which seemed to keep popping up in the material.

"The Snuneymuxw became involved quite early on because of their proximity to the European population," said Janning. "It was inevitable that the two alien cultures were going to have some form of social interaction. Soccer turned out to be one of those forms."

What also became evident was the intolerance Manson and his fellow athletes faced, with crowds shouting them down as 'savages' when the men laced up and hit the field.

In hopes of having Manson recognized as a pioneer in B.C. sport, Janning has made the rounds with politicians to ask for their support to have him nominated.

He has written to Premier Christy Clark and met with Vancouver Mayor Gregor Robertson about the topic. Next on the list are Nanaimo Mayor John Ruttan and the Snuneymuxw band council.

But the effort also has another purpose: to correct what Janning believes is a historical injustice.

Manson was killed in 1912, run over by a train while on a trip into town to get medicine for his infant son.

That six-month-old boy went on to have eight children of his own, including Gary Manson, whose only account of his grandfather, until recently, was a coroners report on his death.

The harshly-worded document dismisses Manson as "a drunken Indian." Janning discovered newspaper clippings that painted a different picture and ultimately, found himself on Gary's doorstep in search of information on his grandfather.

Gary and his grandfather share the same traditional name, Xulsimalt, a title that took on new significance for the Mansons when Janning arrived.

"It was kind of ugly how they portrayed him in the inquest," said Gary. "I went looking for him, because I carried his name. That was the only document on him I found. I was kind of heartbroken, actually."

The Manson family had seen soccer-related photos of their ancestor before, but never realized the extent of his involvement until they met Janning.

"History died with him, our connection to our ancestors," said Gary. "I just can't say thank-you enough to Robert Janning, the author of that book."

Janning takes solace in knowing he has the backing of the Manson family to help him further his cause.

"I believe his contributions as a person, a representative of the aboriginal community, and a Canadian sporting pioneer warrant official recognition," he wrote in a letter to numerous political leaders. "This would not only be a suitable tribute to the memory of Harry Manson, but also serve as a source of inspiration."

## **Yukon celebrates 20 years of land claim negotiations: Umbrella Final Agreement was signed in 1993**

[CBC News](#)

May 29, 2013 12:56 PM CT

It was 20 years ago today that the Umbrella Final Agreement for land claims and self-government in the Yukon was signed in Whitehorse.

The deal provided a framework for individual First Nations to negotiate final agreements specific to their community.

"It was an emotional day for a lot of people. I also remember Chief Robert Hagar saying 'Goodbye DIA (Department of Indian Affairs) hello self-government'. That statement really stands in my mind," said James Allen, the current chief of the

Champagne and Aishihik First Nation.

*Ruth Massie, the Grand Chief of the Council of Yukon First Nations, said the territory's First Nations have led the way for land claim negotiations in Canada and around the world. (CBC)*



Since that time, 11 of the territory's 14 First Nations have signed Final Agreements.

The First Nation Final Agreements comprise the actual legal agreements made by the three parties, the federal government, the Government of Yukon and the individual First Nation.

Council of Yukon First Nations Grand Chief Ruth Massie said in a statement Yukon First Nations are leaders in self-government in Canada and around the world.

"We are very proud to pause and reflect on our past accomplishments as we continue our work together to ensure the successful implementation of our land claims agreements for the benefit of all Yukoners."

## **Yukon First Nation chief supports roadside hunting ban: Dan Cresswell says Carcross Tagish First Nation will support idea**

[CBC News](#)

May 29, 2013 9:42 AM CT

The chief of the Carcross Tagish First Nation says he supports a petition to protect roadside grizzly bears.

A close-up photograph of a brown bear sitting in a forest. The bear is looking down and to the left, with its head slightly tilted. Its fur is a mix of light and dark brown. The background is filled with bare, thin tree branches and some green foliage, suggesting a wooded area.

He believes the First Nation will support a ban on shooting bears from the roadside.

Cresswell said if anyone really wants a grizzly, they should head into the mountains and do 'an actual hunt'. He added the issue is likely to come up at the next elder's meeting.

Conservation officers say the shooting was legal. A Carcross man has started a Facebook petition to have the rules changed.

## Cochrane Eagle

Kathryn McMackin



These are a few of the signs a community will see as gangs develop, according to Darrel Bruno, an aboriginal gang and crime reduction coordinator with the RCMP "K" Division, Aboriginal Policing Services.

And these are also a few of the trends cropping up in the Stoney Nakoda First

Nation's townsite of Morley.

Bruno had a chance to see the activity in Morley firsthand May 21, as he presented the community with the aboriginal gang strategy.

"I would say Morley's gang activity is at the lower end of the threshold," said Bruno, a retired RCMP staff sergeant with more than 25 years under his belt. "There are some trends, but there are people here who want to meet the issue head on — not let it fester."

Corporal Mel Calahasen of the Cochrane RCMP detachment echoes this sentiment. While Calahasen admitted the gang activity is not to the extreme of other First Nations communities, he said he wasn't going to wait to act until drive-by shootings were a regular occurrence.

"Realistically speaking, the community is already being affected," he said. Calahasen estimated there are anywhere from eight to 10 gangs on the Nation at a given time. There are about 4,500 people living on the reserve.

Perhaps the most obvious mark of gang activity is the extensive graffiti tagging. Centralized to the townsite, the colourful tagging has been layered onto the walls of underpasses, the recreation centre and the buildings at Chiniki Village — among other locations.

Calahasen stressed the importance of the community in combating gang activity in the area — a notion Bruno was in complete agreement with.

"The police can't fix this. The government can't fix this. It's up to the community," said Bruno. "This is everyone's problem."

Bruno said the community of Hobbema has had much success implementing the strategy, adding the process has taken number of years. But the results speak for themselves.

"What we've seen in Hobbema is that through hard work there's been a reduction in the number of gangs — it went from 13 gangs to three," Bruno explained, adding that in 2005 police were responding to about four drive-by shootings a night. "It went from 400 gang members to about 100 members."

Bruno explained the aboriginal gang strategy has been built upon four pillars: increasing education and awareness in the community, engaging the community, enforcement, and the identification and development of effective exit and intervention strategies.



A large percentage of Alberta's aboriginal gangs consist of members aged 21 years and under. The strategy defines a gang as having three or more members with an identifiable leadership structure and a purpose of commissioning offences for financial/material gain.

Calahasen said members become involved in gangs for a number of reasons, including protection, family involvement and/or a search for acceptance.

Cathy Arcega and her team at the Bearspaw First Nation Youth Centre are working hard to provide youth with an alternative to these reasons. The Stoney Nation Youth Engagement Strategy, of which she is the project coordinator, aims to engage and empower the youth of the Stoney Nakoda First Nation.

The program is based on the Circle of Courage and is composed of components to make an effective gang-reduction initiative, but Arcega said the program isn't designed to scare kids about gangs.

"We want the youth to be aware that the problem (of gangs) is out there," she commented. "But they are welcome to come here to be in a safe environment, to learn new skills and have something else to do."

The initiative is targeted at youth in Grades 6-8 and runs after school in an effort to keep kids busy during the hours of 3-6 p.m., when Arcega said many parents and caregivers aren't around. The sessions range from sports and recreation, to more traditional and culture-based programming.

"This program is made to break the cycle of gangs," said Vaughn Daniels, a youth worker at the centre. "We can get kids here instead of out there with their older cousins or brothers and whatever mischief they can get into. If we can get kids here, we can get them on a straight path."

"We put away the labelling and the judging. We're trying to reach kids at their level. Every kid is like a book. You never know what a book is about until you read their story."

Another alternative to engage Morley youth is the Stoney Tribal Cadet Corps, which is back up and running after a brief hiatus. Modelled after similar programs on other reserves (including Hobbema) and initiated by Calahasen, the program aims to provide youth with an alternative to joining a gang.

## **Urban reserve status could open the door to a city casino**

[Meridian Booster](#)

May 29, 2013 9:20:56 MDT AM

Bryan Myers

An urban reserve status could mean that a casino is in the cards for the Border City. Lloydminster City Council unanimously approved the DC7, the Direct Control Zoning Bylaw on Monday that amended Zoning Bylaw 12-2001 to amend class definitions to include retail outlets, an entertainment centre, or a casino. The amendment was read for the first time on Monday and requires two more readings before it becomes official.

Ten acres of land on the southeast corner of 44 Street and 40 Avenue purchased by the Little Pine TLE Holding Co. Inc. is the potential site for a casino among other businesses including a gas station and a restaurant. So far, however, there have been no concrete plans on the matter.

The Little Pine First Nation has begun the lengthy process of receiving a reserve status on the land from the Federal Government, a process that can take a couple of years on average.

"It's every leader's responsibility to provide more opportunities for their membership," said Wayne Semaganis, Little Pine First Nation Chief. "Certainly my community needs that."

"We're not going to wait for urban reserve status to start the development. We're going to do that right away. It's a business, certainly it'll be better for us economically once it's reserve status because of the tax break, but we're not going to wait," said Semaganis. "The next step would be a meeting to take this and take this to meet with [Aboriginal Affairs and Northern Development Canada] and push it as hard as we can."

Semaganis said the First Nation was "going to start with other businesses [other than the casino]," that will include a gas station, a restaurant, and residences built on fee simple, the highest ownership interest possible, lands that will be available to renters.

"When you look at the staffing of the businesses that we're going to bring in, we're going to utilize people that are here, not just our band members," said Semaganis. "We have 15 people working in the city that we shuttle in every day. Next week we're going to bring in another 30. So we'll have 45 people working in Lloydminster from Little Pine," said Semaganis. "It will certainly benefit the surrounding first nations, because it brings a bigger presence to the city that we have felt has been lacking for a long time. We're just as willing to hire their people as our own."

"This is a booming place, and we want to be part of it," said Semaganis. Mayor Jeff Mulligan said that the council is ready to work alongside the First Nation

community to bolster the economy.

"They've started the process," said Mulligan. "Which they have every right to do."

Land with reserve status must still enter into an agreement with the city to work out land tax and services, however, this agreement is made on a face to face basis.

"The taxpayer and the City of Lloydminster receive reasonable compensation for the use of the lands and the services that we are providing to those lands," Mulligan said.

The municipal services agreement must be approved by both the City Council and members of the Little Pine First Nation as one of the steps on the way to obtaining reserve status.

"I don't have any concerns about what the land will be used for. We have an agreement that covers things off, there's an orderly process and when the time comes, when there's development opportunities to be discussed, we'll be sitting down and discussing those in partnership," said Mulligan.

"It's very important that we create better economic opportunities for our first nations friend, and it's imperative that we do it in a way that allows us all to have better economic outcomes better opportunities for growth, and that we do a much better job at integrating our cultures," said Mulligan. "We're trying to become a better business partner, as are they."

Whether or not this means that a casino is in the works remains vague. The DC7 amendment certainly allows for the possibility but all parties are mum on the issue.

City Councillor Linnea Goodhand said the amendment was "very preliminary."

"We just want to make sure that we're up front with the city and our constituents about what might be going forward," she said.

"It's not up to the municipality to decide what goes on the urban reserve," said Goodhand.

"That's something that's left to the First Nations. What we control as a municipality is if that development that's being contemplated is compatible with adjacent use."

"It's a discretionary zoning, that allows us to contemplate the possibility of a certain type of development, and we have to assess whether we approve it," said Goodhand. "But it's absolutely not within the authority of the city to say 'yay' or 'nay' to whatever's being contemplated."

"We're working cooperatively, this is part of a good neighbor policy that's being undertaken," said Goodhand. "There's no doubt in council's mind that whatever is going to be developed is going to be done with the views of greater good at large."

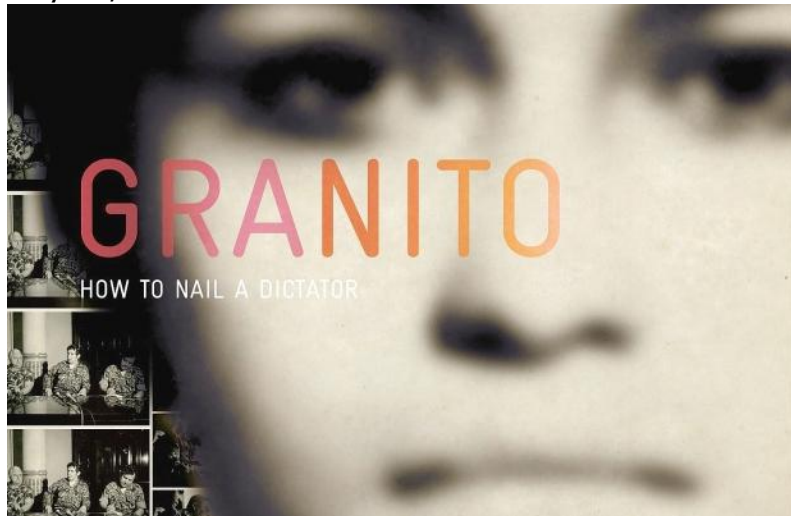
Following the amendment, any developmental decisions in regards to a casino are effectively out of the council's hands.

"Whatever comes forward as far as support or criticism we just have to put it in the context of what do we control and what authority do we have," said Goodhand.

## **Festival preview: Dreamspeakers Festival celebrates aboriginal film**

[Edmonton Journal](#)

May 29, 2013



*Granito is among the films being screened at this year's Dreamspeakers Film Festival in Edmonton. It gets underway Wednesday, May 29. Photograph*

### **Dreamspeakers Film Festival**

**When:** Wednesday, May 29 through Saturday, June 1

**Where:** Metro Cinema at

the Garneau, 8712 109th St.

**Tickets:** \$7 per screening

**Information:** [dreamspeakers.org](http://dreamspeakers.org)

EDMONTON - Dreamspeakers Film Festival spokesman Murray Jurak still remembers a time when it was possible to fit every aboriginal filmmaker on Earth "inside a very small boardroom." Now, he says, it would take an office tower full of boardrooms.

"There are literally thousands of them today," he says. "It's like an explosion, particularly in places like North America, Australia and New Zealand."

The exception, says Jurak, is in Latin America, which is still finding its indigenous voice in film. This is why it's so heavily featured in this year's programming at the Dreamspeakers Film Festival.

"We wanted to champion them," says Jurak, "so there's a large Latin component of films this year where you'll see indigenous issues that are not necessarily North American-centric, which in past years has often been our focus. We seem to forget aboriginal people elsewhere in the world."

Granito, for instance, goes behind the scenes of a 1983 documentary by Pamela Yates that was instrumental in indicting former Guatemalan dictator Rios Montt, who was recently convicted of genocide and crimes against humanity for his role in the massacre of Mayans during Guatemala's civil war. The conviction has since been struck down, and it's not clear whether he will be tried again.

Still, says Jurak, it's an incredibly relevant and newsworthy film.

"(Yates's) footage was actually used to indict him," says Jurak. "It (the genocide) happened 30 years ago, but it's changing people's lives today."

This year's festival features films from seven countries, along with panel discussions and public workshops.

Film festivals in general are going through rapid changes, says Jurak. Where there used to be few, there is now a proliferation, which means organizers have to work harder at keeping, and growing, an audience. "The role of film festivals is to promote films, not just show them."

Jurak has been involved with Dreamspeakers for nearly 15 years. He says while there have been changes in how it promotes itself — most notably the heavy use of social media like Facebook and Twitter — the premise of the festival remains the same.

"The original idea hasn't changed. We're here to promote First Nations voices, because for years we never had a voice. Now we have a voice."

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**9 years and 200 court appearances later, aboriginal B.C. woman free to fish**

## [Daily Brew](#)

May 29, 2013

Steve Merti



There's probably no better example of the tension between B.C. aboriginal fishing rights and Canadian law than the case of Patricia Kelley.

After a nine-year legal battle involving more than 200 court appearances, the [Sto:lo First Nation](#) woman was given an absolute discharge in B.C. provincial court earlier this month on charge of

violating the Fisheries Act. The federal government also was ordered to pay her almost \$2,500 for almost all the salmon it confiscated from her in 2004, according to the [Chilliwack Times](#).

Although the conviction stands, Kelley, who also uses the aboriginal name Kwitsei Tatel, felt vindicated, telling the [Globe and Mail](#) this week she had struck a blow for aboriginal rights.

The case, which began when federal fisheries offices confronted her as she was preparing to unload a crate of freshly caught sockeye salmon at a Fraser Valley processing plant, turned into a gruelling ordeal that involved personal humiliation.

At one point she was arrested for drumming and chanting outside the courthouse in Chilliwack.

"They detained me. They did two vaginal-anal checks on me," she told the *Globe*, sobbing. "It's so humiliating. This is ridiculing. It's awful. It causes a big heartache to even say that."

At one point, when she missed a court appearance, the RCMP put her mug shot on a Crimestoppers bulletin that appeared in the newspaper, she said.

"I felt criminalized," Kelly said. "I felt humbled before my family and to people I was looking to get work with. It hurt so much."

Conflict between the aboriginal fishery and commercial and sports fishermen has gone on for decades, especially on the Fraser River where the Sto:lo live.

Tensions have grown as salmon stocks have declined and the stakeholders fight for a dwindling share of the catch. Confrontations have taken place on the river, sometimes resulting in violence.



The Constitution gives First Nations a priority right to catch salmon for food, social and ceremonial purposes. But some aboriginal fishermen claim a right to sell their catch commercially, arguing their people traded fish with other First Nations before Europeans arrived.

The Nuu-chah-nulth First Nation on Vancouver Island won a case last year when the Supreme Court of Canada refused to hear an appeal of a B.C. decision that allowed them to sell their catch for a profit, [Postmedia News](#) reported at the time.

The *Times* reported Kelly was charged in 2004 of "purchasing, selling and possession of fish" contrary to the Fisheries Act. She was convicted four years later but contested the verdict, arguing she had an aboriginal right to the fish.

The Crown recommended Kelly be handed a "modest fine" and given a conditional sentence the *Times* said. Kelly urged the judge to use the "widest discretion possible" in her sentence, including an absolute discharge and compensation for 276 of the 296 salmon that were seized because the Crown could only prove 20 were caught outside the legal fishing opening.

Kelly, who now lives in Alberta, told the *Globe* she learned about the court decision via email.

"I said amen. I'm thankful for the judge hearing me out."

Although the case took a psychological and financial toll, Kelly said she's glad she persisted over almost a decade.

"I feel proud I stood up," she told the *Globe*. "I stood up in the house of law and I ruled."

Kelly said she plans to come back to B.C. to fish the Fraser River this summer.

"Yes. I am going fishing again," she said. "And I'm not going after a permit. ... I don't need a permit from Canada. I'm unceded. I'm unconquered."

## **Native non-profits' recycling purchase a step up**

[Winnipeg Free Press](#)

May 30, 2013

Martin Cash



*Mother Earth Recycling's Karen Keppler with a haul of electronics equipment donated to the non-profit firm for recycling. (KEN GIGLIOTTI / WINNIPEG FREE PRESS)*

The purchase of a Winnipeg electronics-recycling business by a couple of aboriginal non-profit organizations is not a blockbuster deal, but it may be an important building block.

In light of the high-profile attention the challenges of aboriginal education and labour-force development received from the recent Business Council of Manitoba summit, it's noteworthy.

The Aboriginal Centre of Winnipeg (ACW) and the Centre for Aboriginal Human Resource Development (CAHRD) have formed Mother Earth Recycling and acquired a 27-year-old business called Syrotech Industries from Tom Syrota.

As well as capitalizing on opportunities in the "green" economy, the idea is the business can serve as an on-the-job training laboratory for the aboriginal community.

It may eventually become one of many different avenues of approaching the crucial issues of aboriginal educational and economic development in Manitoba.

The formation of Mother Earth Recycling (MER) comes about 20 years after the creation of the Aboriginal Centre of Winnipeg with its acquisition of the Canadian Pacific Railway station on Higgins Avenue.

CAHRD is probably the most prominent tenant at the Aboriginal Centre, operating the adult-learning centre Aboriginal Community Campus and Neeginan Institute of Applied Technology, a technical and vocational post-secondary training institution.

Among other successes, it has placed about 200 aboriginal people in positions at Standard Aerospace and other employers in the Manitoba aerospace industry.

CAHRD, led by its feisty executive director, Marileen Bartlett, has become the go-to headquarters for the front-line efforts to get Manitoba's growing young aboriginal population educated and trained so they can enter the workforce in numbers far greater than what has been the case in the past.

"If you want to maximize that young aboriginal community you are going to need a lot of different models," said Kevin Chief, the MLA for the neighbourhood and the minister of children and youth opportunities. "There's not just one right model. We need to look at many different ways and the more models that we create, the more opportunities will emerge."

Chief knows of what he speaks. It was Bartlett who gave Chief his first job after graduating from university with no particular skills other than as a basketball camp director.

"She said I got the job because of the potential she thought I showed," Chief said.

The province, through Manitoba Aboriginal and Northern Affairs, has provided \$50,000 to MER for the purchase of a truck but Chief pointed out that the \$300,000 purchase price came from the ACW and CAHRD.

Karen Keppler, who operates a business incubator at the Aboriginal Centre, is the board liaison between the centre and Mother Earth Recycling. (Her husband, Alvin Keppler, owns Responsible Electronics Recycling in Selkirk.)

She said the Aboriginal Centre had been interested in the recycling business for some time and had been in contact with Tom Syrota, the owner of Syrotech Industries, who had promised to help Keppler and the Aboriginal Centre with their business when he retired.

Keppler said they later found Syrota was trying to find a buyer for his business.

"I asked him why he didn't tell us, and Tom said he had promised to help us for free and didn't want to take our money," said Keppler.

Wayne Helgason, chairman of the board of CAHRD, said after 20 years of operation of the Aboriginal Centre, there was enough equity built up to be able to invest in a business such as Mother Earth Recycling.

The idea here is what's referred to as a social enterprise. It's a vehicle for the aboriginal community at large through the Aboriginal Centre and CAHRD to operate a business -- one that already has a revenue stream -- that can provide work experience and further education for trainees to show future employees a work history.

As well, the recycling industry has promise and the refurbished computers MER produces are made available through the Aboriginal Centre's computer lending library to people might not otherwise be able to afford them.

## **We Mustn't Repeat History, for Aboriginal Childrens' Sake**

[Huffington Post](#)

May 30, 2013

Craig and Marc Keilburger

In 1907, Canada's Department of Indian Affairs dispatched Dr. Peter Henderson Bryce to investigate residential schools in Manitoba and the Northwest Territories. Bryce found dilapidated buildings, rampant tuberculosis, and shocking death rates. In some schools, only 31 per cent of children survived to graduation.

Bryce submitted a lengthy report detailing the appalling conditions. The federal government buried his report for 15 years until Bryce became so frustrated that he published his findings in a book.

By the time the last school closed in 1996, at least 3,000 Aboriginal children had died in the residential school system.

Today Cindy Blackstock wonders how many of those children might have been saved if only the Canadian government had listened to Bryce a century ago.

Blackstock, the Executive Director of the First Nations Child and Family Caring Society of Canada, thinks about Bryce as she fights for a new generation of Aboriginal children in the child welfare system. Resources for aboriginal child welfare are underfunded and, as a result, the number of Canadian children in foster care includes a disproportionate number of Aboriginal children.

Eight years ago, Blackstock co-authored a report proposing solutions that, like Bryce's report, the government swept under the carpet. Since then, she and the Assembly of First Nations have been in a five-year battle with the federal government -- including multiple court challenges to get the issue heard by the Canadian Human Rights Commission -- so Aboriginal children receive the same level of services and resources as non-Aboriginal young people enjoy.

According to the new census data, more than [14,000 Aboriginal children are currently wards of the state](#) -- representing almost half of all Canadian children in foster care. These Aboriginal children are taken from their families at a rate three times higher than at the peak of residential schools in 1949, and [six to eight times the rate of non-Aboriginal children](#).

Children in foster care are more likely to have problems with substance abuse, criminal behaviour, and mental and physical health issues, and are less likely to succeed in school.

In 2005, Blackstock co-authored "[Wen:de The Journey Continues](#)" -- a report commissioned by the federal government to study why Aboriginal children were disproportionately represented in Canada's child welfare system, and what could be done about it. The report included proposals to improve Aboriginal child welfare services. Blackstock tells us five economists helped draft the plan, which would have cost less than one per cent of Canada's budget surplus -- then in the billions.

Echoing what happened to Bryce in 1907, the report landed on a shelf to gather dust.

In December 2006, Blackstock and the Assembly of First Nations decided the only option was to file a complaint with the Canadian Human Rights Commission arguing

that the government's failure to provide the same level of child welfare funding for Aboriginal communities as non-Aboriginal communities receive constitutes discrimination against Aboriginal children. In September 2008, the Commission agreed there was sufficient merit to have the Human Rights Tribunal conduct a formal inquiry. The Tribunal has the power to force the government to take action.

The federal government has launched repeated legal challenges to prevent the Commission, and then the Tribunal, from hearing the complaint. Each time, the courts have ruled against the government. Most recently, on March 11, the Federal Court of Appeal rejected another attempt to stop Tribunal proceedings.

One week ago it was revealed the government has failed to disclose as many as 50,000 relevant documents it was required to turn over to the Tribunal. As we write this, the government is presenting a motion to further delay the hearings in order to gather these documents

In the meantime, the Auditor General of Canada, the House of Commons Standing Committee on Public Accounts and the United Nations Committee on the Rights of the Child have all criticized the Canadian government for failing to take action on Aboriginal child welfare.

According to documents Blackstock received through Access to Information, the federal government has spent more than \$3 million on legal manoeuvres to keep the Human Rights case from going forward. This includes getting a legal opinion on whether Aboriginal children in the welfare system will be able to sue Canada in years to come.

Why has so much time and money been spent on fighting a legal battle when it could have been used to find solutions?

Michelle Perron, a spokesperson with Aboriginal Affairs and Northern Development Canada, told us, "We believe that the best way to address the complex issues surrounding First Nations Child and Family Services is through collaboration with First Nations, provinces/territories and not through the Canadian Human Rights Tribunal."

Blackstock countered that, in February, 2007, before the complaint was filed, Aboriginal groups approached the government, pleading for a chance to work in collaboration and avoid a Human Rights case. They were rebuffed.

The biggest question is: Have we learned nothing from the story of Dr. Bryce and the horrors he attempted to expose in residential schools? Here and now we have an opportunity to do the right thing for Aboriginal children so in 20 to 30 years Canada does not have to apologize again.

*Craig and Marc Kielburger are co-founders of international charity and educational partner, Free The Children. Its youth empowerment event, We Day, is in 11 cities across North America this year, inspiring more than 160,000 attendees from over 4,000 schools. For more information, visit [www.weday.com](http://www.weday.com).*

## **First Nations must lead in aboriginal court: Swan**

[Winnipeg Free Press](#)

May 30, 2013

Mary Agnes Welch

Justice Minister Andrew Swan says he's open to an aboriginal court, but First Nations themselves must kick-start it.

He said many of the elements of an aboriginal court are already in place, including restorative-justice programs, aboriginal court workers who help guide offenders through the system and small-scale versions of aboriginal courts on reserves such as Waywayseecappo and Peguis.

"We're already doing those things," said Swan. "Would I like to see those things expand? Yes."

Critics, including judges, have said Manitoba is falling behind on its Supreme Court-mandated responsibility to ensure fewer aboriginal offenders end up in jail. Manitoba has the second-highest rate of aboriginal incarceration of any province, even though the Supreme Court has insisted aboriginal offenders have the benefit of a sentence that recognizes the legacy of colonialism and offers rehabilitation, counselling or some kind of restorative justice instead of jail time.

Other jurisdictions, including Vancouver, London and Toronto, have specialized aboriginal courts. Last Friday, Northern Grand Chief David Harper met with Chief Provincial Court Judge Ken Champagne and several other justice officials to begin discussions about bringing such a large-scale aboriginal court to Manitoba.

In Waywayseecappo, an offender, especially one who pleads guilty, can be sent to a committee of elders who bring the offender and the victim together to work out an appropriate punishment and restitution.

"It's not soft on crime," said Swan of restorative justice. "It's, frankly, much tougher for an offender to have to look the victim in the eye with the community on side than just have their head down and be berated by a provincial court judge."

Swan said he would be pleased if more bands set up similar programs, and two more northern bands may be about to do so. But many other bands lack the capacity to sustain such a court.

## **Legislation ignores realities of First Nations**

[The Star Phoenix](#)

May 31, 2013

Doug Cuthand

All the interest in Ottawa these days is focused on the Duffy scandal and the Senate; however life goes on in other areas.

The First Nations matrimonial property rights bill continues to shuffle through Parliament. It was expected to pass before the end of May, but other events appear to have overtaken it.

The bill is deeply flawed, according to the Assembly of First Nations and members of the opposition parties. As with a lot of federal legislation these days, it will be passed on to another government to implement.

The costs associated with implementing amendments to the Criminal Code, for example, have been passed on to the provinces.

To add more confusion, the matrimonial property bill was referred to the Status of Women committee instead of the more appropriate Aboriginal Affairs committee. The bill will have to be implemented by the First Nations governments, with no federal commitment to provide any financial resources. The amendments were to be tabled by May 7, but the Native Women's Association of Canada did not even testify until May 8 and 9.

The Conservatives have made it clear that since they have a majority they will ram it through in any event.

According to British Columbia regional chief Judy Wilson-Raybould, the bill is about much more than women's issues. There are community issues of safety and governance.

The Status of Women committee has no history of dealing with treaty and aboriginal rights issues; the bill also is one-dimensional, not taking into account the whole community.

Canada is composed of many First Nations cultures, and gender roles are treated differently across our land. The Mohawk and some West Coast First Nations have a traditional role for women as clan mothers and leaders. They also had ownership of matrimonial property.



On the Prairies, the women traditionally held the matrimonial property and were the owners of the teepees. They produced the teepees, assembled them, and were responsible for transporting them to the next campsite.

In many ways our people are more advanced than this legislation would have the public believe. This is another case where a "one size fits all" piece of legislation is being imposed on disparate groups of First Nations.

Also this week in Ottawa, the federal privacy commissioner stated that both the Department of Aboriginal Affairs and the Department of Justice went too far in their monitoring of First Nations children's advocate Cindy Blackstock.

Blackstock has complained for several years that the government was monitoring her speeches and whereabouts. It even copied pages of information from her Facebook page; really subversive stuff, such as a cookie recipe and birthday greetings.

The government is obviously concerned about Blackstock since she has spoken up on behalf of aboriginal children in her role as the executive director of the First Nations Child and Family Caring Society of Canada. It began monitoring her in 2007, the year she launched a human rights complaint against Ottawa for consistently underfunding First Nations child welfare compared to provincial services.

The federal government has fought this case at every turn. It so far has spent an estimated \$3 million in legal fees, and there is no sign it will let up. I have no doubt that the Child and Family Caring Society will win its case eventually, but at what cost? The government will be forced to do what it should have done of its own volition.

As far as the colonial office and the Harper government are concerned, dissent is dangerous. The Indian agents at Aboriginal Affairs are used to keeping tabs on the dangerous Indians, which of course fits right in with the paranoia and controlling bent of the Harper government.

The Blackstock case raises the question of how many other individuals, too, are subject to such spying and how much government money is wasted doing it. There must be a long list of leaders, advocates and gadflies out there who merit similar attention. Personally, I would wear the government snooping as a badge of honour.

When Prime Minister Stephen Harper skipped out last week to go to South America, he announced \$53 million in aid for "mining-related initiatives and education." It turns out that he was shilling for Canadian mining companies developing properties in Peru.

These mines will only create a negligible number of Canadian jobs, and Canada will not realize any tax revenue. So what's the point?

The Harper government is now the representative of Canadian mining companies in Latin America, and our PM is the head cheerleader.

Harper had a chance to raise the issue of human rights in Peru, as well as the rights that indigenous people have to their lands and resources. He met instead with the mining executives and didn't meet with any indigenous groups.

Sadly, while he hands out support in Peru, First Nations organizations and tribal councils back in Canada are having their funding cut back and are laying off staff. First Nations resource rights and duty to consult are being roundly ignored, so it's hard to expect any progressive results from Harper's visit to Peru.

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